

Applicant: JOHNSON *et al.*
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REMARKS

In response to the Non-Final Office Action mailed **June 28, 2010** (hereinafter "Office Action"), dependent claim 2 has been amended. No claims have been cancelled or newly added by this Amendment. Therefore, claims 1, 2, 4-7, and 9 remain pending. Pursuant to 37 C.F.R. § 1.173(c), a statement of the status and support for the claim changes is provided below. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

37 C.F.R. § 1.173(c) STATEMENT

Pursuant to 37 C.F.R. § 1.173(c), the following is a statement of the status and support for the claim changes.

A. STATUS OF THE CLAIMS

Claims 1, 2, 4-7, and 9 are pending in the application.

Claims 3, 8, and 10-20 are cancelled.

More particularly:

- claims 1, 2, 7, and 9 of U.S. Patent No. 5,812,249 have each been twice amended;
- claim 5 of U.S. Patent No. 5,812,249 has been amended one time;
- claims 3 and 8 of U.S. Patent No. 5,812,249 were *previously* cancelled; and
- claims 10-20, which were newly added in the Preliminary Amendment filed on September 22, 2000, were *previously* cancelled.

B. DESCRIPTION OF (AND SUPPORT FOR) CLAIM CHANGES

By this Amendment, dependent claim 2 has been amended. Particularly, in the "determining means" recitation of dependent claim 2, the recitation of "visible entrance laser" was deleted and replaced with the word "first." Additionally, in the "determining means" recitation of dependent claim 2, the recitation of "visible exit laser" was deleted and replaced with the word "second."

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Accordingly, the “determining means” recitation of dependent claim 2 now recites:

determining means for producing a pulse when said front wheel and rear wheel passes into and departs from said [visible entrance laser] first beam and said [visible exit laser] second beam, respectively;

Exemplary support for this recitation may be found in the Specification [U.S. Patent No. 5,812,249] at, for example, col. 3, lines 4-36, col. 5, lines 9-42, and FIGS. 1-3.

COMPLIANCE WITH 37 C.F.R. § 1.173

As correctly noted by the Examiner [Office Action pgs. 2-3], dependent claim 2 (as *previously* pending) did not show all changes with respect to the original claim 2 of U.S. Patent No. 5,812,249, as required by 37 C.F.R. § 1.173. Applicant apologizes for the inadvertent oversight, and has amended dependent claim 2 to properly reflect the amendments to claim 2. Accordingly, all claim amendments are in compliance with 37 C.F.R. § 1.173.

ASSIGNEE CONSENT

The Reissue application is objected to under 37 C.F.R. § 1.172(a) as allegedly lacking the written consent of all assignees owning an undivided interest in the patent [Office Action, pg. 2]. A Consent of Assignee is being submitted herewith together with an accompanying Statement Under 37 C.F.R. § 3.73(b). Accordingly, the requirements of 37 C.F.R. § 1.172(a) have been satisfied, and withdrawal of this objection is earnestly sought.

SUPPLEMENTAL REISSUE OATH & DECLARATION

Claims 1, 2, 4-7, and 9 stand rejected as allegedly being based upon a defective reissue oath/declaration under 35 U.S.C. § 251 [Office Action, pg. 2]. Applicant is submitting herewith a Supplemental Reissue Declaration that includes an added page to satisfy the requirements of 37 C.F.R. §§ 1.63 and 1.175 with respect to applications accorded Rule 1.47(b) status. In view of the foregoing, withdrawal of the rejection under 35 U.S.C. § 251 is earnestly sought.

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CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: **November 16, 2010**

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: 

~~Bradford C. Blaise~~

Registration No. 47,429

Customer No. 00909

P.O. Box 10500
McLean, Virginia 22102
Direct Dial: 703.770.7741
Main: 703.770.7900
Fax: 703.770.7901